

ILLINOIS COMMERCE COMMISSION

DOCKET No. 14-_____

DIRECT TESTIMONY

OF

AMANDA SLOAN

Submitted On Behalf

Of

AMEREN TRANSMISSION COMPANY OF ILLINOIS

SEPTEMBER 9, 2014

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6 **Ameren Transmission Company of Illinois**

7 **I. INTRODUCTION**

8 **Q. Please state your name, business address and present position.**

9 A. My name is Amanda Sloan. My business address is 3200 Pleasant Run, Springfield,
10 Illinois. I am a Project Manager for Contract Land Staff, LLC (CLS).

11 **Q. Please summarize your educational background and professional experience.**

12 A. My educational background and professional experience is attached as an Appendix to
13 this testimony.

14 **Q. What are your duties and responsibilities in your present position?**

15 A. I am the CLS Project Manager assigned to Ameren Transmission Company of Illinois'
16 (ATXI or the Company) Illinois Rivers Project (the Project). I am responsible for management
17 of the CLS acquisition agents, permitting agents, and administrative personnel working to secure
18 necessary land rights for the Illinois Rivers Project. I oversee CLS field personnel who are
19 located in our Project regional office in Springfield, Illinois. These field leads and acquisition
20 agents are tasked with meeting and negotiating with property owners impacted by the Project. I
21 report to Nick Anitsakis, CLS Electric Project Director.

22 **Q. What is the purpose of your testimony in support of this Petition?**

23 A. The purpose of my direct testimony is to describe the process by which CLS, on behalf of
24 ATXI, negotiates with landowners to secure land rights for the Illinois Rivers Project. I also
25 provide details regarding the individual landowner negotiations for those properties over which
26 ATXI is seeking eminent domain authority in this proceeding.

27 **Q. Are you sponsoring any exhibits in support of your testimony?**

28 A. I am sponsoring the following exhibits:

ATXI Exhibit 2.1: Summary of Landowner Contacts

ATXI Exhibit 2.2: Summary of Compensation Offers (Confidential – Contains Terms of
Negotiations)

ATXI Exhibit 2.3: Group Exhibit of Landowner-Specific Documentation

ATXI Exhibit 2.4: Sample of Aerial Image Depicting Preliminary Structure Locations

ATXI Exhibit 2.5: Revised Land Acquisition Agent Assignment Policy

29 **Q. What does ATXI Exhibit 2.3 contain?**

30 A. ATXI Exhibit 2.3 is a group exhibit containing packets of documentation specific to each
31 owner of the Unsigned Properties. Each packet includes the following: (i) a narrative summary
32 of issues the landowner raised during negotiations and ATXI's efforts to address those issues; (ii)
33 a completed agent checklist; (iii) a map of the property; and (iv) a map or preliminary sketch of
34 each property, including the legal description of the easement ATXI is seeking. For ease of use,
35 a table of contents is provided for the entire exhibit.

II. LAND RIGHTS ACQUISITION SERVICES PROVIDED BY CLS

Q. Please explain the nature of the services provided by CLS.

A. CLS is a nationwide land consulting firm that provides services associated with the acquisition of easements for infrastructure. CLS was established in 1985 and specializes in electric and pipeline easement acquisitions along with project management and consulting. CLS's main regional electric transmission office is located in Waterloo, Iowa and its corporate headquarters are in Sugar Land, Texas.

Q. What is CLS's role in ATXI's efforts to acquire land rights for the Illinois Rivers Project?

A. ATXI retained CLS as a contractor to assist the Company with acquiring the necessary land rights for the Illinois Rivers Project. CLS is responsible for project management for the acquisition of land rights, easements and permits. We provide experienced survey and land agents to negotiate on behalf of ATXI with property owners and act as an intermediary between landowners and ATXI. CLS land agents have significant experience negotiating for the acquisition of property rights to be used in infrastructure projects.

ATXI and CLS have the mutual goal of treating each landowner along the project equitably and fairly. In furtherance of that goal, CLS agents negotiate personally with each landowner, make efforts to understand and resolve their individual concerns, answer questions, and relay landowners' counteroffers, pole placement change requests, and easement language revisions to ATXI.

Q. What is your role as Project Manager?

A. I supervise the land agents, who report to their direct supervisors and me, on the progress

of negotiations. I and/or the land agent supervisors meet with the agents regularly, either in our offices or via teleconference, to discuss the status of negotiations on the tracts to which they have been assigned. I review the land agents' records regarding contacts with landowners on a regular (essentially daily) basis. I meet or speak with ATXI representatives, including Mr. Rick Trelz on an on-going, as-needed basis to report on acquisition status and discuss concerns, counteroffers, and easement language requests. I also participate in weekly meetings with ATXI engineering personnel in order to discuss requests related to structure placement and route alignment.

Q. Are you responsible for assigning agents to specific landowners?

A. Yes, along with their land agent supervisors.

Q. Is there a policy that guides CLS in assigning a specific Land Agent to each landowner?

A. Yes. In response to Commission and Staff concerns regarding the number of different agents contacting landowners, CLS in conjunction with ATXI developed and adopted a new Land Acquisition Agent Assignment Policy, which was effective June 23, 2014. This policy was presented to the Commission in Docket 14-0438. The goal of this new policy was to have a single agent be the point of contact for the landowners throughout the easement negotiations.

Q. Has this new policy been successfully implemented?

A. Yes. In most instances the policy has been successful in providing each landowner with a single agent point of contact for negotiations. However, as the policy was implemented, I became aware of certain additional circumstances where Land Agent changes were or may be required that are not explicitly covered by the policy.

Q. Are any of these circumstances applicable to the Unsigned Properties in this filing?

A. No. There were two agent reassignments (for parcels A_ILRP_PZ_SH_232_ROW and A_ILRP_PZ_SH_207-ROW) and these reassignments were due to commonality of attorney representation.

Q. Please describe those additional circumstances where Land Agent changes have or may become necessary.

A. Additional circumstances include: (i) agent relocation or reassignment outside the state of Illinois, (ii) a change in the Land Agent's employment position, such as a promotion, and (iii) agent safety concerns.

Q. Have CLS and ATXI amended their Land Acquisition Agent Policy based on these additional circumstances?

A. Yes. Attached as ATXI Exhibit 2.5 is the amended Land Acquisition Agent Assignment Policy, which has been marked in redline format to show the changes adopted to address these additional circumstances.

Q. As part of this amended policy, will CLS continue to document the reasons for an agent change?

A. Yes. CLS will document the reasons for an agent change. As part of the amended policy, however, CLS and ATXI wanted to clarify that the documented reasoning for agent changes will be explained in a manner that is compliant with state and federal employment laws and regulations including the Health Insurance Portability and Accountability Act (HIPAA).

III. LANDOWNER CONTACT

Q. Please explain the process by which CLS, on behalf of ATXI, begins negotiations to acquire the necessary land rights across the affected properties.

A. As explained by Mr. Trelz, fourteen days after the letter and Statement of Information was mailed to landowners, CLS personnel contacted landowners to discuss the Project. Contact was made in person, if possible, and was intended to inform the landowners of both the reason for contact and the purpose of the Project. CLS, at ATXI's direction, provided landowners with a written statement of the Project's purpose, a small-scale map, and a property-specific option exhibit (sketch), as well as information regarding the type and location of the proposed facilities. A sample landowner packet is attached to Mr. Trelz's direct testimony as ATXI Exhibit 1.2. CLS land agents presented ATXI's offers of compensation to each landowner and explained that the offers were based on a third-party independent appraiser's determination of the market value of each property. A copy of the worksheet calculating the offered compensation was provided to each landowner. Additionally, when completed, an appraisal of each property was provided to each landowner. CLS agents made themselves available for discussion and negotiations, as required and/or requested by each landowner. ATXI Exhibit 2.2 contains information on appraisals, offers to landowners and any counteroffers.

Q. How many times has ATXI or CLS contacted the owners of the Unsigned Properties?

A. The number of contacts made with each owner of an Unsigned Property is detailed on ATXI Exhibit 2.1 and further described in ATXI Exhibit 2.3.

Q. What happens after land agents initiate contact with landowners?

A. Landowners often have questions or concerns about compensation, the placement of

poles on their property, and the language of the easement document. CLS agents seek to address their questions or concerns. In some cases, landowners make a counteroffer to ATXI's offer. CLS agents forward the counteroffers and supporting information to ATXI and the appraisers for their review. CLS works with ATXI to respond promptly to all counteroffers made by landowners and to address each landowner's non-compensation-related concerns. I discuss these items in more detail below.

IV. EXPLANATION OF INITIAL OFFERS

Q. Do land agents explain the basis for ATXI's offers of compensation to landowners?

A. Yes. CLS agents provided each landowner along the transmission line route and/or their attorney a calculation sheet stating the market price per acre, the acreage of the easement area, the percentage of market value at which ATXI believed the easement should be valued (as determined by ATXI's independent appraiser), and the compensation offer itself. Additionally, CLS agents informed landowners and/or their attorneys that the initial offer was based on a third-party, independent appraiser's determination of the market value of the property and provided a copy of the appraisal as discussed above.

Q. What other efforts did the land agents make to inform landowners about the location of the transmission line on their property?

A. If the landowner allowed a land agent to meet with them, the land agent provided the Option Exhibit that shows the intended location of the easement. The land agent also provided each landowner an aerial image of the preliminary location of each of the structures ATXI planned to construct within the easement, if one was available at the time. A sample of this printout is included as ATXI Exhibit 2.4. Agents informed the landowners that these locations

could change due to soil boring information, final ground survey, and final line design.

Q. In the event that a landowner makes a counteroffer, what process do CLS agents follow?

A. CLS agents document the counteroffer into our proprietary database software and report the counteroffer to their supervisor. Additionally, land agents encourage landowners to obtain an appraisal and inform landowners that ATXI will consider other current appraisals or comparable sales when assessing their counteroffer. CLS then provides any information we receive from the landowner to the appraiser on whose opinion ATXI's initial offer was based, to determine if the information provided changes the easement valuation. The appraiser's determination and any supporting information provided by the landowner is shared with ATXI and a determination is made whether to accept, counter, or reject the counteroffer. When a determination has been made on the counteroffer, I communicate the determination to the land agent so the agent can then communicate the outcome to the property owner. ATXI witness Mr. Trelz further explains ATXI's response to counteroffers from landowners.

Q. What reasons have the owners of the Unsigned Properties given for refusing ATXI's offers?

A. The primary reason given by these landowners is that the level of compensation is too low. In addition, some landowners request changes to the easement document or changes to the location of structures. These requests, and ATXI's responses, are discussed individually in ATXI Exhibit 2.3.

Q. How did CLS address the compensation-related concerns these landowners have

165 **raised?**

166 A. Land agents encouraged landowners who disagreed with ATXI's offered level of
167 compensation to provide a current appraisal or other supporting documentation as evidence that
168 the level of compensation was too low.

169 **V. EFFORTS TO ADDRESS NON-COMPENSATION RELATED CONCERNS**

170 **Q. Did the owners of the Unsigned Properties raise any concerns other than**
171 **compensation?**

172 A. Yes. Some landowners were concerned about the language of the easement document.
173 One landowner formally sought changes to pole locations.

174 **Q. How do land agents respond to concerns other than those related to compensation?**

175 A. Land agents suggest a possible solution to address the landowner's concerns. Depending
176 on the concern, possible solutions include addressing the concern in a Confidential Settlement
177 Agreement (CSA), or recommending the landowner consider a pole relocation request. This is a
178 progression of the problem-solving phase and specific to the individual landowner and his/her
179 specific concern.

180 **Q. How do land agents respond to concerns regarding the language of the easement?**

181 A. Many concerns are simply addressed in the standard easement agreement. When other
182 concerns regarding the language of the easement arise, the land agents inform the landowner that
183 their concerns will be presented to ATXI and that ATXI typically requests a CSA. I would
184 emphasize a landowner does not have to propose specific language revisions.

185 **Q. How do land agents respond to concerns regarding the location of structures?**

186 A. When a landowner makes a formal request to change the location of structures on their
187 property, the land agent prepares a relocation request and submits that request to ATXI. As
188 explained by Mr. Trelz, ATXI then evaluates whether the pole relocation request can be
189 accommodated.

190 **VI. NEED FOR EMINENT DOMAIN**

191 **Q. Based on your knowledge of the negotiations for the Unsigned Properties, do you**
192 **believe that continued negotiation is likely to produce a negotiated resolution for any of the**
193 **Unsigned Properties?**

194 A. No.

195 **VII. CONCLUSION**

196 **Q. Does this conclude your direct testimony?**

197 A. Yes, it does.

APPENDIX

STATEMENT OF QUALIFICATIONS

AMANDA SLOAN

I have been employed in the right of way industry providing contract service to companies similar to ATXI for eight years and currently am employed by Contract Land Staff as a Project Manager, with direct project management and supervision of ATXI's Illinois Rivers Project. I have worked in this capacity on the Project since September 2013. Immediately prior to this assignment I was the Project Manager for a 230kV transmission line project on the East Coast. In my career I have performed work as an Abstractor, Survey Support Agent, Land Agent, Senior Land Agent as well as a Project Supervisor. I earned by bachelor's degree in International Business and Economics from the State University of New York (SUNY) College at Brockport in Brockport, New York in December 2000.